

REMARKS

The Requirement for Restriction contends that the application is drawn to the following distinct groups:

- Group (I): Claims 1-13, drawn to a method for detection of solid materials;
- Group (II): Claims 14-26, drawn to a material detection system; and
- Group (III): Claims 27-31, drawn to a method for implementing material removal.

Applicants elect, with traverse, Group (II); claims 1-13 and 27-31 are withdrawn.

The Applicants believe this restriction to be improper and unduly burdensome. The rules require the Examiner to show that there would be some undue burden on the PTO to examine separate inventions in a single application. M.P.E.P. §803 sets forth the manner in which the Examiner must proceed as follows:

“If the search and examination of an entire application can be made without serious burden, the Examiner must examine all claims on the merits, even though it includes claims to distinct or independent inventions.” [emphasis added]

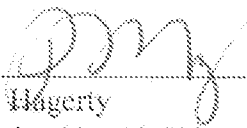
It is believed that the amount of searching would not pose the magnitude of burden contemplated by the rules. Accordingly, it is believed that there is no undue or serious burden and on this basis, the Applicants respectfully request the Examiner to withdraw the restriction requirement.

The Commissioner is hereby authorized to charge any required fee or fee deficiency under 37 C.F.R. § 1.17 in connection with this communication to our Deposit Account No. 06-1130.

Respectfully submitted,

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Date: June 25, 2007
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